

From: [REDACTED] (CNECT)
Sent: 24 October 2017 12:33
To: CNECT F2
Subject: FW: Main modifications on the NetzDG

Can you please register in Ares?

From: [REDACTED] (CNECT)
Sent: Friday, June 30, 2017 1:03 PM
To: [REDACTED] (CAB-ANSIP)
Cc: [REDACTED] (CNECT); [REDACTED] (CNECT); [REDACTED] (CNECT); [REDACTED] (CNECT); [REDACTED] (CNECT)
Subject: Main modifications on the NetzDG

Dear [REDACTED],

[REDACTED] has transmitted me your request to identify the main modifications introduced in the NetzDG during the legislative process. Here you are – happy to reply to your questions.

- Scope:

- e-mail and messaging services are excluded, as well as sector-specific networks
- the limit of 2 million users is better defined, asking for "registered users"
- three criminal offences are excluded from scope: defamation of the President of the Federation, defamation of the state and its symbols and anti-constitutional defamation of constitutional organs.
- In exchange, the violation of personality rights through images is included.

- Transparency obligations:

- Limited to those social networks which receive more than 100 complaints a year (in practical terms this has no consequences)
- Mandatory transparency reporting twice a year (instead of four times a year)

- Self-regulation:

- Introduction of an independent self-regulatory body, which could decide on difficult cases in 7 days, and can deal with complaints.
- It will be created and financed by the affected social networks, while remaining open to other social networks.
- It can lose its status as recognised body if it stops meeting the necessary standards.

- Deadlines:

- the 24 hours deadline remains
- the 7 days deadline for "non manifestly illegal content" is flexibilised, as it has to be respected "normally". It can take longer when the decision on the illegality depends on the assessment of facts, and the social network needs to contact the user to understand his or her position (this is a very limited form of counter-notice).

- Data localisation and documentation requirements:

- Instead of imposing local retention, data can be located anywhere in the EU

- Appointment of a representative in Germany:

- The obligation remains. Additionally, it imposes a deadline of 48h to reply to administrative information requests.

- Removal of copies of the reported content:

- this obligation has disappeared (as it could be seen as amounting to a general monitoring obligation).

- Transmission of identification of users:

- It clarifies that the request for identification of the user who has committed the offence has to be done exclusively by a judge.

- Entry into force:

- It will enter into force on 1 October 2017. First transparency report should be presented mid-2018.